



Promoting the wise use of land

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

MEETING DATE September 19, 2014		CONTACT/PHONE Megan Martin		APPLICANT Jim and Sandy Gregory		FILE NO. DRC2013-00090	
LOCAL EFFECTIVE DATE October 3, 2014		mamartin@co.slo.ca.us					
APPROX FINAL EFFECTIVE DATE October 24, 2014		(805) 781-4163					
SUBJECT A request by Jim and Sandy Gregory for a Minor Use Permit/Coastal Development Permit to allow for the construction of a 488 square foot single story studio/workshop addition and retaining wall to an existing 1,597 square foot single family residence. The project will result in the disturbance of approximately 950 square feet on an approximately 6,435 square foot parcel. The proposed project is within the Residential Multi Family land use category and is located at 269 Butte Drive within the community of Los Osos. The site is in the Estero Planning Area.							
RECOMMENDED ACTION Approve Minor Use Permit DRC2013-00090 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.							
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption was issued on July 25, 2014 (ED13-258).							
LAND USE CATEGORY Residential Multi Family		COMBINING DESIGNATION Coastal Zone, Archaeological Sensitive Area		ASSESSOR PARCEL NUMBER 074-461-019		SUPERVISOR DISTRICT(S) 2	
PLANNING AREA STANDARDS: Estero Area Plan: Residential Multi-Family <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>							
LAND USE ORDINANCE STANDARDS: Section 23.04.100 – Setbacks Section 23.07.120 – Local Coastal Program Area <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>							
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.							
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242							

EXISTING USES: Single Family Residence	
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family / Residences East: Residential Single Family/ Sea Pines Golf Resort South: Recreation / Sea Pines Golf Resort West: Residential Multi Family / Residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cal Fire, Los Osos Community Services District, Los Osos Community Advisory Council, Native American Heritage Commission, California Coastal Commission	
TOPOGRAPHY: Nearly level	VEGETATION: Ornamental/decorative landscaping
PROPOSED SERVICES: Water supply: Community system/ Los Osos CSD Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: July 25, 2014

DISCUSSION

PROJECT DESCRIPTION

The site is developed with a single family residence, built in 1985. The proposed project includes the construction of a 488 square foot studio/workshop addition to an existing 1,597 square foot single-story single family residence with attached garage. Additional grading will occur on the property to accommodate an approximately 5'-10" retaining wall to support development of additional patio space for use by the studio/workshop. The lot is currently developed, surrounded by single family homes and a golf course in the community of Los Osos. As outlined below, the proposed project is consistent with the standards of the Estero Area Plan as well as the applicable Coastal Zone Land Use Ordinance standards and general plan policies.

PLANNING AREA STANDARDS:

Estero Area Plan

Los Osos Urban Area

- A. On-site Wastewater Disposal:** New development shall meet the septic tank requirements of the Regional Water Quality Control Board.

Staff Response: The Regional Water Quality Control Board imposed a prohibition on septic system discharge after November 1, 1988. The proposed studio/workshop will not increase septic discharge as the workshop is non-conditioned.

- B. Drainage:** Los Osos Lowland Areas – Drainage Plan Requirement. In areas designated in Figure 7-40, all land use permit applications for new structures or additions to the ground floor of existing structures shall require drainage plan approval pursuant to Coastal Zone Land Use Ordinance Sections 23.05.040 et seq. unless the County Engineer determines that the individual project site is not subject to or will not create drainage problems.

Staff Response: The proposed project is within a drainage review area. A drainage plan will be reviewed at the time of Building Permit submittal by Public Works.

D. Bayfront Development. Proposed structures are limited to the maximum heights shown on Figures 7-41 and 7-42. The lot is located in the Sunset Area neighborhood in the community of Los Osos. Height of development in this area is limited to a maximum of 16 feet above natural grade.

Staff Response: The proposed project complies with this standard. The addition will be constructed to a height of 11 feet above natural grade. The maximum height of the addition will match the maximum height of the existing single-family residence.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.04.100 – Setbacks

Front Setbacks. All residential uses except for second-story dwellings over a commercial or office use are to have a minimum front setback of 25 feet.

Side Setbacks (Corner lots). The side setback on the street side of a corner lot within urban and village areas on sites of less than one acre in net area is to be a minimum of 10 feet.

Rear Setbacks. The rear setback is measured at right angles to the rear property line to form a setback line parallel to the rear property line. The minimum rear setback is 10 feet on sites of less than one acre in net area.

CZLUO – Section 23.04.100 Setbacks (Corner Lot)				
	<i>Front</i>	<i>Side</i>	<i>Street side</i>	<i>Rear</i>
Minimum Setback (ft)	25	5	10	10
Proposed (ft)	>25	5	10	10

Exceptions to Setback Standards. The minimum setback requirements of this chapter apply in all cases except the following:

- *Fences, hedges or walls as allowed by Section 23.04.190(c) (Standards for fencing and screening materials.)*
 - *Section 23.04.190(c). Within interior side or rear setbacks, maximum height of a wall may be 6 feet 6 inches where material used is solid structures or plants or open structures or plants.*

Staff Response: The proposed studio/workshop addition meets all applicable setback standards as required by the Coastal Zone Land Use Ordinance. The proposed retaining wall is allowed in the rear setback and is consistent with Section 23.04.190(c) because it is below the maximum 6 foot 6 inch height requirement (5'-11") and will be a solid structure.

Section 23.07.120 – Local Coastal Program Area

The Local Coastal Program (LCP) combining designation identifies areas of San Luis Obispo County that are within the California Coastal Zone as determined by the California Coastal Act of 1976. The provisions of this title apply to all unincorporated portions of the county located within the Coastal Zone, and do not apply to any areas outside of the LCP combining designation.

Section 23.07.104 - Archaeologically Sensitive Areas

The project site is within a mapped Archaeologically Sensitive Area. Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required.

Staff Response: The project site is developed with an existing single family residence with attached garage. Due to the site being previously developed, it is not anticipated resources will be encountered therefore a survey is not required; however, the project, as conditioned, will be required to stop work and contact the County Planning and Building Department as well as a Native American Representative should any resources be uncovered or discovered during construction.

STAFF COMMENTS:

Morro Bay Shoulderband Snail

The proposed project is within an area that has the potential to foster critical habitat (coastal dune scrub) for the Morro Bay Shoulderband Snail, an endangered species. The proposed studio/workshop would be located at the rear of the parcel in an area devoid of vegetation, native vegetation or habitat that would otherwise support the snail (site visit May 13, 2014). In addition, the proposed studio/workshop will occur in an area previously disturbed by development of the single family residence which includes an existing patio area. It is not anticipated that the proposed development would impact the snail or its habitat, nor that the snail would be located on this site.

COASTAL PLAN POLICIES:

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: N/A

Coastal Watersheds: ☒ N/A Policy No(s): 7, 8, 9, 10

Visual and Scenic Resources: N/A

Hazards: N/A

Archeology: ☒ Policy No(s): 1

Air Quality: N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Coastal Watersheds

Policy 7: Siting of New Development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent.

Staff Response: The proposed project complies with this policy. Grading for the purpose of creating a site for the studio/workshop addition will occur on slopes less than 20%.

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

Staff Response: The proposed project is consistent with this policy because it's conditioned to require an erosion and sedimentation control plan when grading is conducted or left in an unfinished state during the period from October 15 through April 15.

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation.

Staff Response: The proposed project complies with this policy. The applicant, as conditioned, is required to submit complete erosion and sedimentation control plans and demonstrate Best Management Practices in the selection and implementation of site maintenance.

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

Staff Response: The proposed project is conditioned to comply with this policy by meeting all drainage plan and erosion control measures required by the San Luis Obispo County Public Works Department.

Archaeology

Policy 1: Protection of Archaeological Resources. The county shall provide for the protection of both known and potential archaeological resources.

Staff Response: The proposed project complies with this policy. The project site is in the Archaeological Sensitive Area combining designation and is previously developed with an existing single family residence with attached garage. Due to the site being previously developed, it is not anticipated resources will be encountered; however, the project, as conditioned, will be required to stop work and contact the County Planning and Building Department as well as a Native American Representative should any resources be uncovered or discovered during construction.

COMMUNITY ADVISORY GROUP COMMENTS:

Los Osos Community Advisory Council reviewed and approved the project with no comments or concerns on May 22, 2014.

AGENCY REVIEW:

Public Works: "A drainage plan will be reviewed at the time of Building Permit submittal by Public Works." (Tim Tomlinson, May 18, 2014).

Building Division: Comments in file and included as conditions of approval as applicable.

Cal Fire: No comments received.

Los Osos Community Services District: No comments received.

Native American Heritage Commission: No comments received.

California Coastal Commission: No comments received.

LEGAL LOT STATUS:

The lot was legally created by a recorded map (CO78-066) at a time when that was a legal method of creating lots.

Staff report prepared by Megan Martin and reviewed by Kerry Brown and Steve McMasters.